

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

SHIRLEY SHEPHERD,
Plaintiff,

v.

C.A. No. 12-143L

AIR & LIQUID SYSTEMS
CORP., et al.
Defendants.

In the matter of: Defendant Foster Wheeler LLC's Motion for
Summary Judgment

ORDER

This matter is before the Court on the objection of Defendant Foster Wheeler LLC to the Report and Recommendation issued by Magistrate Judge Lincoln D. Almond on May 13, 2015 (docket # 594). In addition to objecting to the recommendations included in the Report and Recommendation, Defendant also objects to its omission of any analysis concerning Defendant's arguments on the "government contractor" defense and the "sophisticated user" defense. Magistrate Judge Almond issued an additional Report and Recommendation on May 13, 2015 (docket # 592), denying Plaintiff's motion for partial summary judgment on these theories as they had been advanced by several defendants in the litigation. In that R & R, Judge Almond pointed out several areas of factual dispute between the parties which precluded a recommendation for summary judgment. Although no objection was filed in response to this second R & R, the Court hereby adopts

its findings, and determines that the evidence cited therein is sufficient to form the basis for the denial of Defendant Foster Wheeler's motion for summary judgment based upon the defenses of government contractor and sophisticated user.

Moreover, after a thorough review of the record and pertinent memoranda, the Court accepts the Report and Recommendation (#594), pursuant to Title 28 United States Code § 636 (b)(1). The motion for summary judgment brought by Defendant Foster Wheeler LLC is therefore denied, on all grounds. It is so ordered.

/s/ Ronald R. Laqueux
Ronald R. Laqueux
Senior United States District Judge
September 29 , 2015